

MINUTES OF PRE-BID CONFERENCE

Present:

BAC

GLENN S. LAGUNAY	-	BAC Chairperson
ORLANDO B. ENDEREZ	-	BAC Vice Chairperson
JENNELYN S. SIOSANA	-	BAC - Member
JULIO JESUS M. ESTUDILLO, III	-	Provisional Member Division Manager Concerned Where the project is located
ILDEFONSO A. QUILITANO	-	BAC - Provisional Member (Division Manager concerned) Where the project is located

TWG

EDGARDO B. LLORADA	-	Head – TWG
VIRGINIO T. PUYAT	-	Member – TWG

SECRETARIAT

VICTOR ANSEL O. TINGZON	-	Head BAC Secretariat
FIDES DOROTEA R. HANOPOL	-	BAC Secretariat - Member

Absent:

JILL L. MAGSAMBOL	-	BAC-Provisional Member
LEONARDO REDONA	-	Member – TWG

Contractors:

VICTORIO ESPERAS	-	Esperas Construction and Development Corp.
MARIA FRITCHIE C. GALVEZ	-	R.A. PAHATI Const.. & Supply Inc.

The Pre - bid Conference for the project;

- ✓ **Repair of Damaged Rubber Dock Fenders at Terminal Ports of Catbalogan, Borongan, San Jose, San Isidro and Guiuan. (NRP-ELS-04-18).**

Philippine Ports Authority, PMO – Eastern Leyte/Samar ESD Office, was called to order at @ 10:15 AM, September 20, 2018 presided by Glenn S. Lagunay – BAC-EP Chairman.

1. Reading of Attendance and declaration of quorum
2. Business Matters

Presentation of the Technical and Financial components of the Bid, and clarifying the required documents to be submitted by each bidder.

- ✓ **Repair of Damaged Rubber Dock Fenders at Terminal Ports of Catbalogan, Borongan, San Jose, San Isidro and Guiuan. (NRP-ELS-04-18).**

Contract duration – 180 Calendar Days

Required PCAB Registration – Medium A – Ports and Harbors and offshore Engineering

Instructions to Bidders

Eligible Bidders:

Unless otherwise provided in the BDS, the Bidder must have completed at least one contract similar to the Project the value of which, adjusted to current prices using the National Statistics Office consumer price index, must be at least 50% of the ABC stated in the BDS.

The NFCC must be at least equal to the ABC to be bid or a Commitment from a Universal or Commercial bank to extend a credit line at 10% of ABC in its favor if awarded the contract for the project (CLC).

Documents Comprising the Bid: Eligibility and Technical Components

Eligibility Components:

- ✓ Registration certificate from the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives, or any proof of such registration as stated in the BDS, PhilGEP's registration;
- ✓ Mayor's permit issued by the city or municipality where the principal place of business of the prospective bidder is located;
- ✓ Statement of all its ongoing and completed government and private contracts from the submission of bids, unless otherwise stated in the BDS, including contracts awarded but not yet started, if any. The statement shall include, for each contract, the following: (SF-INFRA-15 & SF-INFRA-16).
 1. Notice of Award
 2. Notice to Proceed
 3. Contract Agreement
 4. Statement of Work Accomplished or Accomplishment Report duly signed by owner or Project Engineer
- ✓ Valid Philippine Contractors Accreditation Board (PCAB) license and registration for the type and cost of the contract for the Project;
- ✓ Audited financial statements, showing, among others, the prospective total and current assets and liabilities, stamped "received" by the BIR of its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission;
It should be filled electronically using the EFPS, pursuant to E.O. 398 and RR 3-2005 (gppb circular no. 02-2005) non-compliance with E.O. 398 will be marked "failed".
- ✓ NFCC computation in accordance with ITB Clause 5.5;
- ✓ Certificate of **PhilGEPs Registration; BIR Registration; and TIN ID.**
- ✓ If applicable, valid Joint Venture Agreement (JVA) or, in lieu thereof, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful shall be included in the bid.

Technical Components

- ✓ Bid Security with Official Receipt and Certification from an authorized Insurance Commission.
Two Percent (2%) of ABC – Cash or cashier's/manager's check issued by a Universal or Commercial Bank.
Two Percent (2%) of ABC – Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.
- ✓ **Five Percent (5%) of ABC** – Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security; and/or.
- ✓ Bid – Security Declaration (Notarized)
- ✓ Project Organizational chart for the contract to be bid;

Project Manager	Project Engineer
Materials Engineer	Foreman
Safety Officer	

- ✓ List of contractor's personnel (viz, Project Manager, Project Engineer's Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data; Attach the following: **Certificate of Employment, Contractor's Letter-Certificate to Procuring Entity, PRC License, PTR, Bio-data and Certificate of Training for Materials Engineer (accredited by DPWH)(Form SF-INFR-48)**
- ✓ List of contractor's equipment units, which are owned, leased, and/or under purchase agreements, supported by certification of availability of equipment from the equipment lessor/vendor for the duration of the project and **supported with the proof of ownership; (Form SF-INFR-49)** and
- ✓ Sworn statement in accordance with Section 25.2 (b)(iv) of the IRR of RA 9184 and using the form prescribed in Section IX. Bidding Forms (**Omnibus Sworn Statement Form**).

Documents Comprising the Bid: Financial Components

- ✓ Financial Bid Form in accordance with the form prescribed in Section IX. Bidding Forms;
- ✓ Duly Signed Bid Prices in the Bill of Quantities.
- ✓ Duly Signed Construction Schedule and S-Curve (indicate BAR CHART)
- ✓ Duly Signed Detailed Estimates
- ✓ Duly Signed Cash Flow by Quarter and Payments Schedule
- ✓ Bid Prices

Unless otherwise provided in the BDS, all bid prices for the given scope of work in the contract as awarded shall be considered as fixed prices, and therefore not subject to price escalation during contract implementation, except under extraordinary circumstances as indicated in the BDS and specified in GCC Clause 48 and its corresponding SCC provision.
- ✓ Bid Validity

Bids shall remain valid for the period specified in the BDS which shall not exceed one hundred twenty (120) calendar days from the date of the opening of bids.
- ✓ Bid Security

The bid security in the amount stated in the BDS shall be equal to the percentage of the ABC in accordance with the following schedule..

The bid security should be valid for the period specified in the BDS. Any bid not accompanied by an acceptable bid security shall be rejected by the Procuring Entity as non-responsive.

Upon signing and execution of the contract, pursuant to ITB Clause 31, and the posting of the performance security, pursuant to ITB Clause 32, the successful Bidder's Bid security will be discharged, but in no case later than the Bid security validity period as indicated in ITB Clause 18.2.
- ✓ Format and Signing of Bids

Bidders shall submit their bids through their duly authorized representative using the appropriate forms provided in Section IX. Bidding Forms on or before the deadline specified in the ITB Clause 21 in two (2) separate sealed bid envelopes, and which shall be submitted simultaneously. The first shall contain the technical component of the bid, including the eligibility requirements under ITB Clause 12.1, and the second shall contain the financial component of the bid.

Forms as mentioned in ITB Clause 19.1 must be completed without any alterations to their format, and no substitute form shall be accepted. All blank spaces shall be filled in with the information requested.

The bidder shall prepare one (1) original of the first and second envelopes as described in ITB Clauses 12 and 13. In addition, the Bidder shall submit two (2) copies of the first and second envelopes. In the event of any discrepancy between the original and the copies, the original shall prevail.

The bid, except for unamended printed literature, shall be signed, and each and every page thereof shall be initialed, by the duly authorized representative/s of the Bidder.

Any interlineations, erasures, or overwriting shall be valid only if they are signed or initiated by the duly authorized representative/s of the Bidder.

Sealing and Marking of Bids

Unless otherwise indicated in the **BDS**, Bidders shall enclose their original eligibility and technical documents described in **ITB** Clause 12, in one sealed envelope marked "ORIGINAL – TECHNICAL COMPONENT", and the original of their financial component in another sealed envelope marked "ORIGINAL – FINANCIAL COMPONENT", sealing them all in an outer envelope marked "ORIGINAL BID".

Each copy of the first and second envelopes shall be similarly sealed duly marking the inner envelopes as "COPY NO. ____ - TECHNICAL COMPONENT" and "COPY No. ____ - FINANCIAL

COMPONENT" and the outer envelope as "COPY No. ____", respectively. These envelopes containing the original and the copies shall then be enclosed in one single envelope.

The original and the number of copies of the Bid as indicated in the **BDS** shall be typed or written in indelible ink and shall be signed by the bidder or its duly authorized representatives/s.

All envelopes shall

1. contain the name of the contract to the bid in capital letters;
2. bear the name and address of the Bidder in capital letters;
3. be addressed to the Procuring Entity's BAC identified in **ITB** Clause 10.1;
4. bear the specific identification of this bidding process indicated in the Invitation to Bid; and
5. bear a warning "DO NOT OPEN BEFORE..." the date and the time of the opening of bids, in accordance with **ITB** Clause 21.

If bids are not sealed and marked as required, the Procuring Entity will assume no responsibility for the misplacement or premature opening of the bid. Moreover, failure to comply with the required sealing and marking of bids shall be a ground for disqualification.

The deadline for the submission of Bids will be on **October 3, 2018** at **9:30** a.m.

Opening of Bids will be on **October 3, 2018** at **10:00** a.m.

✓ Late Bids

Any bid submitted after the deadline for submission and receipt of bids prescribed by the Procuring Entity, pursuant to **ITB** Clause 21, shall be declared "Late" and shall not be accepted by the Procuring Entity.

✓ Penalties and Offences

3. Corrupt, Fraudulent, Collusive, and Coercive Practices

Unless otherwise specified in the **BDS**, the Procuring Entity as well as the bidders and suppliers shall observe the highest standard of ethics during the procurement and execution of the contract. In pursuance of this policy, the Procuring Entity:

(a.) defines, for purposes of this provision, the terms set forth below as follows:

(i) "corrupt practice" means behavior on the part of officials in the public or private sectors by which they improperly and unlawfully enrich themselves, others, or induce others to do so, by misusing the position in which they are placed, and includes the offering, giving, receiving, or soliciting of anything of value to influence the action of any such official in the procurement process or in contract execution; entering, on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby, and similar acts as provided in RA 3019.

(ii) “fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring Entity, and includes collusive practices among Bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the Procuring Entity of the benefits of free and open competition.

(iii) “collusive practices” means a scheme or arrangement between two or more Bidders, with or without the knowledge of the Procuring Entity, designed to establish bid prices at artificial, non-competitive levels.

(iv.) “coercive practices” means harming or threatening to harm, directly or indirectly, persons, or their property to influence their participation in a procurement process, or affect the execution of a contract;

(v.) “obstructive practice” is

(aa) deliberately destroying, falsifying, altering or concealing of evidence material to an administrative proceedings or investigation or making false statements to investigators in order to materially impede an administrative proceedings or investigation of the Procuring Entity or any foreign government/foreign or international financing institution into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the administrative proceedings or investigation or from pursuing such proceedings or investigation; or

(bb.) acts intended to materially impede the exercise of the inspection and audit rights of the Procuring Entity or any foreign government/foreign or international financing institution herein.

(b.) will reject a proposal for award if it determines that the Bidder recommended for award has engaged in any of the practices mentioned in this Clause for purposes of competing for the contract.

3.2 Further, the Procuring Entity will seek to impose the maximum civil, administrative, and/or criminal penalties available under applicable laws on individuals and organizations deemed to be involved in any of the practices mentioned in **ITB** Clause 3.1(a).

3.3 Furthermore, the Funding Source and the Procuring Entity reserve the right to inspect and audit records and accounts of a bidder or supplier in the bidding for and performance of a contract themselves or through independent auditors as reflected in the **GCC** Clause 3.

Bid Evaluation Process

Check the Arithmetical Computation of Detailed Estimates & Bill of Quantities;

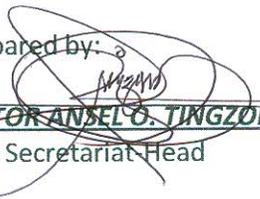
Post –Qualification Process

Check the Eligibility , Technical Requirements & check the Bid Price /Bill of Quantities Submitted

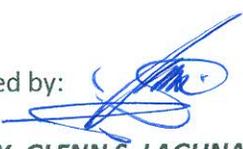
NOTED COMMENTS:

- The BAC Chairman mentioned that the BAC – EP invited observers such as The Resident Auditor from the Commission on Audit, The President of PCA – Leyte Chapter and The Coordinator from the Nagkahiusang Mananagat sa Tahod (NMST)-Leyte Chapter, but none of them attended..
- BAC-EP Chairman informed the prospective bidders that the official time to be used is the time in the finger scanner which is found at the lobby of the building. In the event of a power outage during the day of the bidding, the time to be used is the time in the wall clock located also at the lobby since the wall clock uses battery and is not affected by any power outage.
- On motion of the BAC-EP Provisional Member Estudillo which was duly seconded, the Bid documents to be submitted by the prospective bidders shall be hard bound to preserve the integrity of the Procurement Process and for the security of the bidders. A sample of a hardbound and machine pressed document was shown to the prospective bidders.
- Victorio Esperas of Esperas Construction and Development Corporation asked on the eligibility requirement under the similar completed project of at least 50% of the ABC if it is for the fendering system only. He also cited an example, if a certain contractor has a port construction project that has an item of work under fendering system but the cost of the item is less than 50% of the amount required in the eligibility requirement under similar completed projects, will the BAC consider it? Citing that even if it did not reach 50% of the ABC the contractor has already gained experience in the implementation of fendering system. BAC member Enderez answered, the project to be bid is exclusively fendering system only, so the item cost of the fendering system under the port construction project should be at least 50% of the ABC of the project to be bid. BAC-EP Chairman also added that even if the contention has merit the BAC cannot decide on it now, but in the event of a failed bidding the BAC has conduct a mandatory review of the specification in the bidding documents.
- On motion of Vice Chairman Enderez duly seconded, prospective bidders must attach, under the eligibility component for on-going projects the latest Approved Physical Accomplishment Report Duly signed by the authorized signatory of the implementing agency as basis in determining the computation of the Net Financial Contracting Capacity (NFCC) of the bidder.
- Also, the prospective bidders must attach, under the eligibility component for completed projects the final and approved accomplishment report duly signed by the authorized signatory of the implementing agency.
- Representative of R.A. PAHATI Const. & Supply Inc. asked if Certificate of Site Inspection is required. BAC member Enderez answered that it is no longer required since it is already incorporated in the Omnibus Certification submitted by the contractor.
- On motion of BAC-EP member Siosana, duly seconded a correction was made on the instruction to Bidders under the Documents Comprising the Bid: Eligibility and Technical Components. "NFCC computation or CLC in accordance with IBC Clause 5.5". The 2016 Revised IRR of RA 914 under section 25.2 (b) states that only NFCC computation is required as part of its eligibility requirement. Hence, CLC is no longer required.
- The BAC-EP Chairman reminded the prospective bidder's representative that they shall present a Special Power of Attorney at the time of the submission of the bid documents.

There being no further questions from the bidder's representatives and no other remaining topics for discussion, the Pre-bid Conference was adjourned at 11:50 PM.

Prepared by: 

~~VICTOR ANSEL O. TINGZON~~
BAC Secretariat Head

Noted by: 

ATTY. GLENN S. LAGUNAY
BAC-EP Chairman